

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

AMAZON.COM, INC. and AMAZON  
DATA SERVICES, INC.,

Plaintiffs,

v.

WDC HOLDINGS LLC dba NORTHSTAR  
COMMERCIAL PARTNERS; BRIAN  
WATSON; STERLING NCP FF, LLC;  
MANASSAS NCP FF, LLC; NSIPI  
ADMINISTRATIVE MANAGER; NOVA  
WPC LLC; WHITE PEAKS CAPITAL LLC;  
VILLANOVA TRUST; CARLETON  
NELSON; CASEY KIRSCHNER;  
ALLCORE DEVELOPMENT LLC;  
FINBRIT HOLDINGS LLC; CHESHIRE  
VENTURES LLC; 2010 IRREVOCABLE  
TRUST; SIGMA REGENERATIVE  
SOLUTIONS LLC; CTBSRM, INC.;  
RODNEY ATHERTON; DEMETRIUS VON  
LACEY; RENRETS LLC,

Defendants.

---

800 HOYT LLC,

Intervening Interpleader  
Plaintiff / Intervening  
Interpleader Counter-  
Defendant,

v.

BRIAN WATSON; WDC HOLDINGS, LLC;  
BW HOLDINGS, LLC,

Interpleader Defendants,  
and

AMAZON.COM, INC., and AMAZON  
DATA SERVICES, INC.,

Interpleader Defendants /  
Interpleader Counter-Plaintiffs.

CASE NO. 1:20-CV-484-RDA-TCB

**PLAINTIFFS' MEMORANDUM IN SUPPORT OF MOTION FOR  
LEAVE TO FILE DOCUMENTS UNDER SEAL**

In accordance with the Agreed Protective Order (Dkt. 55) and other applicable orders, Plaintiffs Amazon.com, Inc. and Amazon Data Services, Inc. (together, “Plaintiffs” or “Amazon”) respectfully seek leave to file under seal the unredacted versions of (i) Plaintiffs’ Memorandum in Support of Motion to Compel Production of Revised Privilege Log and Documents Subject to Privilege Waiver (“Motion to Compel Memorandum”), (ii) the Declaration of Amanda J. Sterling in Support of the Motion to Compel (“Sterling Declaration”), and (iii) Exhibits 2 and 8 to the Sterling Declaration.

The unredacted versions of Exhibits 2 and 8 to the Sterling Declaration are documents that the Court on July 9, 2021 ordered Defendants Brian Watson and WDC Holdings LLC to produce “subject to counsel’s eyes only.” Dkt. 302. The Motion to Compel Memorandum and Sterling Declaration reflect, refer to, and/or describe the information contained in Exhibits 2 and 8.

Although “the common law and the First Amendment presume a public right of access to court documents,” *Malon v. Franklin Financial Corp.*, No. 3:14CV671, 2014 WL 12768782, at \*2 (E.D. Va. Dec. 4, 2014) (citing *Stone v. Univ. Md. Med. Sys. Corp.*, 855 F.2d 178, 180 (4th Cir. 1988)), “the Fourth Circuit has nonetheless stated that a district court ‘may, in its discretion, seal documents if the public’s right of access is outweighed by competing interests,’” *id.* (quoting *In re Knight Publ’g Co.*, 743 F.2d 231, 235 (4th Cir. 1984)). In determining whether to grant a motion to seal, the district court must engage with three requirements articulated by the Fourth Circuit in *Ashcraft v. Conoco, Inc.*: “[I]t must (1) provide public notice of the request to seal and allow interested parties a reasonable opportunity to object, (2) consider less drastic alternatives to sealing the documents, and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting the alternatives.” 218 F.3d 288, 302 (4th Cir. 2000).

Plaintiffs' request to seal the above-referenced materials satisfies all three *Ashcraft* factors. Regarding the first factor, the public will have adequate notice of Plaintiffs' request to seal, through the instant motion and notice of motion to seal as required by Local Civil Rule 5. As to the second and third *Ashcraft* factors, sealing is appropriate, and no less drastic alternatives to sealing exist. The Court ordered that Defendants Brian Watson and WDC Holdings LLC produce Exhibits 2 and 8 "subject to counsel's eyes only." Dkt. 302. To Plaintiffs' knowledge, the materials have not been made publicly available, nor have they been de-designated for confidentiality. The Motion to Compel Memorandum and Sterling Declaration reflect, refer to, and/or describe the contents of Exhibits 2 and 8. Plaintiffs therefore respectfully request that the Court grant this motion. *See* Dkt. 302; *see also, e.g., Mars, Inc. v. J.M. Smucker Co.*, 2017 WL 11499735 (E.D. Va. Aug. 9, 2017) (granting motion to seal where "the information sought to be filed under seal may contain data and information that [were] designated as 'Confidential,' . . . under the Amended Protective Order governing th[e] case"); *Malon*, 2014 WL 12768782, at \*3 (granting motion to seal where documents were marked "confidential" pursuant to a protective order).

Dated: September 23, 2022

Veronica S. Moyé (*pro hac vice*)  
GIBSON, DUNN & CRUTCHER LLP  
2001 Ross Avenue, Suite 2100  
Dallas, TX 75201  
Telephone: (214) 698-3100  
Facsimile: (214) 571-2900  
vmoye@gibsondunn.com

Respectfully submitted,

/s/ Michael R. Dziuban  
Elizabeth P. Papez (*pro hac vice*)  
Patrick F. Stokes (*pro hac vice*)  
Jason J. Mendro (*pro hac vice*)  
Claudia M. Barrett (*pro hac vice*)  
David W. Casazza (*pro hac vice*)  
Amanda J. Sterling (*pro hac vice*)  
Michael R. Dziuban (Va. State Bar No. 89136)  
GIBSON, DUNN & CRUTCHER LLP  
1050 Connecticut Avenue, N.W.  
Washington, D.C. 20036-5306  
Telephone: (202) 955-8500  
Facsimile: (202) 467-0539  
epapez@gibsondunn.com  
pstokes@gibsondunn.com  
jmendro@gibsondunn.com  
cbarrett@gibsondunn.com  
dcasazza@gibsondunn.com  
asterling@gibsondunn.com  
mdziuban@gibsondunn.com

*Counsel for Plaintiffs Amazon.com, Inc. and Amazon Data Services, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 23, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system. I will then send the document and a notification of such filing (NEF) to the following parties via U.S. mail to their last-known address and by email, where noted:

CTBSRM, Inc.  
6870 W 52nd Ave., Ste. 203  
Arvada, CO 80002

Demetrius Von Lacey  
2845 Des Moines Dr.  
Fort Collins, CO 80525

Casey Kirschner  
635 N. Alvarado Lane  
Plymouth, MN 55447  
By email: casey.kirschner@gmail.com

2010 Irrevocable Trust  
6870 W 52nd Ave., Ste. 203  
Arvada, CO 80002

Sigma Regenerative Solutions, LLC  
6870 W 52nd Ave., Ste. 203  
Arvada, CO 80002

*s/ Michael R. Dziuban*

---

Michael R. Dziuban  
GIBSON, DUNN & CRUTCHER LLP  
1050 Connecticut Avenue, N.W.  
Washington, D.C. 20036-5306  
Telephone: (202) 955-8500  
Facsimile: (202) 467-0539  
mdziuban@gibsondunn.com

*Counsel for Plaintiffs Amazon.com, Inc. and Amazon Data Services, Inc*